

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
LAK3, LLC

DEFENDANTS
Sean M. Dunn

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
AMINI LLC, 131 West 35th Street, 12th Floor, NY NY 10001
212-490-4700

ATTORNEYS (IF KNOWN)
Carlos J. Cuevas, Esq., 1250 Central Park Ave., Yonkers, NY 10704
914-964-7060

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Appeal from Bankruptcy Order Denying Motion to Vacate Dismissal Order pursuant to 28 U.S.C. 158.

Judge Previously Assigned

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/			[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	[] 625 DRUG RELATED	[] 422 APPEAL	[] 376 QUI TAM
[] 130 MILLER ACT	LIABILITY	INJURY/PRODUCT LIABILITY	SEIZURE OF PROPERTY	28 USC 158	[] 400 STATE REAPPORTIONMENT
[] 140 NEGOTIABLE INSTRUMENT	[] 320 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY	21 USC 881	[] 423 WITHDRAWAL	[] 410 ANTITRUST
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	[] 430 BANKS & BANKING
[] 151 MEDICARE ACT	[] 340 MARINE	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY			[] 450 COMMERCE
[] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	[] 345 MARINE PRODUCT LIABILITY	PERSONAL PROPERTY	[] 820 COPYRIGHTS		[] 460 DEPORTATION
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 350 MOTOR VEHICLE	[] 370 OTHER FRAUD	[] 830 PATENT		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 160 STOCKHOLDERS SUITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		[] 480 CONSUMER CREDIT
[] 190 OTHER CONTRACT	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 840 TRADEMARK		[] 490 CABLE/SATELLITE TV
[] 195 CONTRACT PRODUCT LIABILITY	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY		SOCIAL SECURITY	
[] 196 FRANCHISE	ACTIONS UNDER STATUTES	PRISONER PETITIONS	LABOR		[] 1850 SECURITIES/ COMMODITIES/ EXCHANGE
	CIVIL RIGHTS	[] 463 ALIEN DETAINEE	[] 710 FAIR LABOR STANDARDS ACT	[] 861 HIA (1395f)	
		[] 510 MOTIONS TO VACATE SENTENCE	[] 720 LABOR/MGMT RELATIONS	[] 862 BLACK LUNG (923)	[] 890 OTHER STATUTORY ACTIONS
		28 USC 2255	[] 740 RAILWAY LABOR ACT	[] 863 DIWC/DIWV (405(g))	[] 891 AGRICULTURAL ACTS
			[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 864 SSID TITLE XVI	
				[] 865 RSI (405(g))	
		[] 530 HABEAS CORPUS	[] 790 OTHER LABOR LITIGATION	[] 870 TAXES (U.S. Plaintiff or Defendant)	
		[] 535 DEATH PENALTY	[] 791 EMPLRET INC SECURITY ACT (ERISA)	[] 871 IRS-THIRD PARTY	
		[] 540 MANDAMUS & OTHER	28 USC 7809		
REAL PROPERTY	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)				
[] 210 LAND CONDEMNATION	[] 441 VOTING		IMMIGRATION		
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS	[] 462 NATURALIZATION		[] 893 ENVIRONMENTAL MATTERS
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 443 AMERICANS WITH DISABILITIES - EMPLOYMENT	APPLICATION		[] 895 FREEDOM OF INFORMATION ACT
[] 240 TORTS TO LAND	[] 445 AMERICANS WITH DISABILITIES - OTHER	[] 550 CIVIL RIGHTS	[] 465 OTHER IMMIGRATION		[] 896 ARBITRATION
[] 245 TORT PRODUCT LIABILITY		[] 555 PRISON CONDITION	ACTIONS		[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[] 290 ALL OTHER REAL PROPERTY	[] 448 EDUCATION	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT			[] 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ OTHER

JUDGE McMahon

DOCKET NUMBER 20 civ 193

Check YES only if demanded in complaint
JURY DEMAND: YES NO

(PLACE AN *x* IN ONE BOX ONLY)

ORIGIN							
<input checked="" type="checkbox"/> 1	Original Proceeding	<input type="checkbox"/> 2	Removed from State Court	<input type="checkbox"/> 3	Remanded from Appellate Court	<input type="checkbox"/> 4	Reinstated or Reopened
<input type="checkbox"/> a. all parties represented				<input type="checkbox"/> 5 Transferred from (Specify District)			
<input type="checkbox"/> b. At least one party is pro se.				<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)			
				<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge			
				<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)			

(PLACE AN *x* IN ONE BOX ONLY)

BASIS OF JURISDICTION							
<input type="checkbox"/> 1	U.S. PLAINTIFF	<input type="checkbox"/> 2	U.S. DEFENDANT	<input checked="" type="checkbox"/> 3	FEDERAL QUESTION	<input type="checkbox"/> 4	DIVERSITY (U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

LAK3, LLC
1943 Beekman Court
Yorktown Heights, NY 10598

Westchester County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

8 Veschi Lane N
Mahopac, NY 10541

Putnam County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 2/4/2020

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

YES (DATE ADMITTED Mo. _____ Yr. _____)
Attorney Bar Code # 4245965

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

LAK3, LLC

Plaintiff vs. SEAN M. DUNN	Case Number N.A. Appeal from 18-ap-9038
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Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

LAK3, LLC

Plaintiff vs. SEAN M. DUNN	Case Number 20-cv-193. Appeal from 18-ap-9038
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Defendant

Status of Earlier Filed Case:



Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)



Open

(If so, set forth procedural status and summarize any court rulings.)

On January 9, 2020, LAK3, LLC appealed an Order of the United States Bankruptcy Court dismissing an adversary proceeding for failure to prosecute. On January 13, 2020, this Court (McMahon, C.J.) entered an Order setting an appellate briefing schedule.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

In addition to filing the appeal referenced above, LAK3, LLC also filed a motion with the Bankruptcy Court to vacate the Order from which LAK3, LLC is appealing. On January 29, 2020, the Bankruptcy Court entered an Order denying that motion. LAK3, LLC now appeals that decision as well as seeks to consolidate the two appeals together. LAK3, LLC does not seek any modification to the existing briefing schedule.

Signature:



AMINI LLC

Date: 2/04/2020

Firm: